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REC'D PCT/PTO 29 APR 2005

Typed Name: Patti DeMichele Signature: 

PTO/SB/64/PCT (12-04)
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**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number
US030092

First Named Inventor: Vasanth Gaddam

International (PCT) Application No.: PCT/IB2003/003815

U.S. Application No.:
(if known)

Filed: September 5, 2003

Title: PARAMETER ENCODING FOR AN IMPROVED ATSC DTV SYSTEM

RECEIVED

5 OCT 2005

Attention: PCT Legal Staff
Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**Legal Staff
International Division**

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.495(h).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee which is required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity - fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.

☒ Other than small entity - fee \$1,500.00 (37 CFR 1.17(m))

2. Proper reply

A. The proper reply (the missing 35 U.S.C. 371(c) requirement(s)) in the form of Petition under 37 CFR 1.137(b) to revive an abandoned application for unintentional delay (identify type of reply):

☐ has been filed previously on _____

☒ is enclosed herewith.

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This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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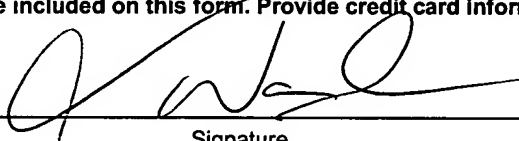
3. Terminal disclaimer with disclaimer fee

☒ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

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Signature

4/29/05

Date

AARON WAXLER

Typed or Printed Name

48,027

Registration Number, if applicable

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Enclosures: ☒ Response

☒ Fee Payment

☐ Terminal Disclaimer

☒ Other (please identify): Patent Application to the United States Designated/Elected Office under
35 USC 371

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Atty. Docket

VASANTH GADDAM ET AL

US 030092

Initial Application No.: PCT/IB2003\003815

First Filed: September 5, 2003

Title: PARAMETER ENCODING FOR AN IMPROVED ATSC DTV SYSTEM

Commissioner for Patents
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR 1.137(b) TO REVIVE AN ABANDONED APPLICATION
FOR UNINTENTIONAL DELAY

Sir:

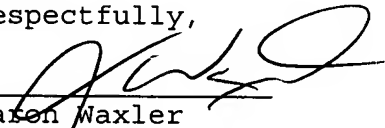
It is respectfully requested that the above-identified patent be revived. Failure to file a United States designated/elected office under 35 U.S.C. § 371(c) occurred unintentionally. The entire delay in filing the required US national-phase application within thirty months of the first filing until the filing of a grantable petition pursuant to this paragraph was unintentional. Petitioners submit that PCT/IB03\03815 claims priority to applications nos. 60/408,956, 06/462,776, and 60/466,038 filed September 6, 2002, April 14, 2003, and April 23, 2003, respectively. In order to preserve priority, the PCT thirty-month date from the original filing of PCT/IB03\03815 expires thirty months from the earliest priority document filing date. Since the earliest priority document filing date is September 6, 2002, the PCT application expired on March 6, 2005.

Just prior to March 6, 2005, Petitioners underwent a transition from one docketing system to another that affected many automatically generated due-date reminders. This is the basis for Petitioners' belief that entire delay in filing the required national phase application within thirty months of the first filing until the filing of a grantable petition pursuant to this paragraph was unintentional.

In a telephone conversation on April 22, 2005, Petitioners' agent spoke with the USPTO PCT Helpdesk, which recommended filing this petition as a means to revive an expired PCT application.

Please charge Philips Electronics North America Corporation Deposit Account No. 14-1270 in the amount of \$1500.00 for the petition to revive for unintentional delay as required by 37 CFR 1.17(m)(2) and 37 CFR 1.137(b). The Assistant Commissioner of Patents is hereby authorized to charge any additional fees or surcharges that may be required, or credit any overpayment to Account No. 14-1270.

Respectfully,


Aaron Waxler
Reg. No. 48,027
(914) 333-9608
April 27, 2005